Before the Government of Mysore.

Appeal No. 97 of 1896-97

Appellant.	Vs.	Respondent.
Kammana Boranna		Siddaiyana Boranna since deceased represented by his w. Sedda.

Notices not returned served.

19. 4. 97.

Appellant in person.
Respondent not present.
Case adjourned to 20th inst at Mysore and appellant informed.

20. 4. 97 Mysore.

Parties not present.
Adjd to 21st inst.

21. 4. 97

Parties not present.

As the respondent is dead Mr. [illegible] writes on respondent's legal heir adjourned to 14th June '97 at Mysore

2

Appll + Respts' representative
Sidda Serves.

15. 6. 97

Adjourned to 15/6/97

"

15/6/97

Appellant present: Respondent
absent
Sale cancelled & D'Comm's
order set aside

15/6/97

G. R. S. IX-5]

Previous references.

1896–7

~~191~~ .

(L.R.)

Later references.

File No. 71-189

Serial Nos. 1–9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–9

major **Part B for** Feb 1898

SUBJECT.

Dispute regarding the right to a building site in Dodda Savangi Tumkur Dt.

Commissioner

W D 83—GPS—50,000—24-7-16

3

Before the Government of Mysore.

Appeal No. 97 of 1895-97

Appellant.	Vs.	Respondent.
Akkamman Boramma		Siddayya Boramma since deceased, represented by his son Sidda.

Default regarding the right to a building site in D. Adaranji in Tumkur Taluk.

List of papers in English.

(1) Appeal petition
(2) Official Memorandum
(3) Deputy Commr's Report
(4) Sketch
(5) Office Memo.

Heard admitted

sale of it will be set aside and the ~~refused~~ purchase money refunded to the purchaser.

15-6-97

W. Wild.

The record does not show that there is clear & reliable evidence to the knowledge that the site in Q^n has always been. On the contrary there is a mass of oral testimony & a map to show that the Petrs was long enjoying it. It is impossible to produce documentary evidence to prove such ownership. Long possession must be presumed. The boundaries were verified in the record of 1888 & when the northern plot was sold are not incompatible with the plot now set up by the appellant. It is not improbable that the reason was in the village. Under all the circumstances of the case the Petrs seems entitled to retain the land in dispute in his possession. The

6

Junkin Documents
no 37 dated 9.7.97

RDJ. 10 Pm
17/7/97.

Minutes of
Meeting declared
to be confidential
& not to be
issued -

20/7/97

21/7/97

21/7/97

21/7/97

Regd & submit Emly.

Stay of execution is prayed for

(sd) B.K. 1/10/96

The Petitioner's subject is appeal—

It is appears that a tract

marked in red ink in the sketch

plan — measuring 5 x 35 yards belong

to Boranna — Partial in this

the appeal ink is 3'.

Explained.

27.7.96.

Stay petition

In time

Council case

Sent for order

1.R.11-8-96

Order

7/10

Stay granted

Case remanded

As decided the

Respondents

Must be served

(sd)

4/10/96

Rec 26/10

Order issued

Gen. Serial No. 32.]

7

(11)

1896

No.	1125
Name of Petitioner.	Kammara Boranna
Village.	Doddasiranji (Gorur Summanti)
Taluk.	Tumkur
District.	Tumkur.
Date of Arzi.	1st October 1896
Date of Receipt.	1st October 1896
Date of Disposal.	
No. of Enclosures.	3

ABSTRACT.

Appeals against the order of the Asst Comr no 1907 27-7-96 sanctioning the sale by auction of a waste site in his possession enjoyment and occupation the darkhast for the same. The examination of the documents he has submitted viz copies of (1) order of the Dt Comr as communicated to him by the Asst Comr order. (2) A mahazar drawn up by the villagers (3) a report submitted by the Shirastadar on the same subject — will show that the darkhast was presented simply with the idea of dispossessing him of his hukkari.

Petr further urges that :—

(1) The site mentioned in the Mahazar (marked A) whose extent is 7 x 35 is his hukkari ancestral inherited by him from his father and

and grandfather and was
hitherto in the enjoyment of the
petitioner.

(2) The patel Chickanna of this
village with the bad intention of
creating trouble about the land
instigated Hoonbully Pullaiya to
present a darkhast for the same
On the Shekdar being directed to
report on the matter, he submitted
the Mahazar (marked A) and his
report (marked B) to the Taluk to
the effect that the site is his hukdari.

(3) The patel & others have tried
to alienate the site from his link.
It belongs to pet's hittal (house)
and has a tamarind tree standing on it.
Pet's petitioned to the Amildar praying
that the darkhast may be set aside
when he was asked whether there are
any documentary evidences to show
that it was his hukdari which
pet's answered in the negative, but
said that he had inherited it from
his ancestors. The patel and Shanbogue
have omitted to insert it in the
list of waste sites with the intention
of dispossessing him of it and setting it
for a friend of the patel. His humble
petition praying for the setting aside
of the darkhast and declaring the site
as his hukdari were all of no avail.

(4) This site was obtained in auction
by Boramma, the son in law of patel
Chickanna. His Boramma lives
with Chickanna in the same house.

(5) There has been a feud (dispute)
between the patel and pet's for

for the last 4 years and the Shamboge always sides with the Patel. The Patel is the chief person in the village.

(6) It is through this fact that the patel did not include the site in the list of waste sites with intent to dispossess him of the land and caused so much trouble.

(7) The pet is ready to pay the Kandayam and hold it if it be inserted in the statement according to rules.

(8) The pet long before this complained to the Amildar of the mischief that the village authorities wanted to play with his land, but the Amildar did not pay attention to the complaint and did not examine it at all. This is sufficiently proved by the record submitted here with and connected with this case. pet prays that the Govt may be pleased to send for the records and examine them and pass early favourable orders.

(9) The pet further

10/

begs that the Govt.
may order the stay of
~~execution~~ execution
and pass early orders
that the Karagar should
not enter the land till
the case is finally decided.

Nipte further invites
the kind attention of the
Govt to the fact that
the Maharaja aforementioned
bears the signature of the
Patel Chiefs of Jafrabad (who is
the Convenor of the quarrel)
which is a sufficient proof
that the site belongs to
Jetpur Inhabitants.

R.R.
1/10/96

Urgent

To the Secretary

1-10-96

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No 1125 R
DATE 1-10-96

Two Rupee Stamp affixed

[illegible]

[illegible] 1896 [illegible]

[illegible]

[illegible] 27-7-96 [illegible]

[illegible] 190 [illegible]

1894 [illegible] 231 [illegible]

[illegible]

4-7-97

12 ಪರಿಹಾರ ಕೊಡಿಸಲು ಮೋಟಾರು ವಾಹನಗಳ ಕಾಯ್ದೆಯ ಪ್ರಕಾರ ಪರಿಹಾರ ಕೊಡಿಸಲು ಕೋರಿ ಪ್ರಕರಣವನ್ನು ಸಲ್ಲಿಸಿದ್ದಾಗಿ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

(1) (ಅಪಿ) ಸಂಬಂಧಪಟ್ಟ ಪರಿಹಾರ ಕೋರಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ ದಿನಾಂಕದಿಂದ 7 ನೇ ಜೂನ್ ರವರೆಗೆ ಪ್ರತಿ ವರ್ಷ 15% ಬಡ್ಡಿಯನ್ನು ಪರಿಹಾರದ ಹಣಕ್ಕೆ ಅನ್ವಯವಾಗುವಂತೆ ಕೊಡಿಸಲು ಕೋರಿರುತ್ತಾರೆ.

(2) ಮೋಟಾರು ವಾಹನಗಳ ಕಾಯ್ದೆಯ ಪ್ರಕಾರ ಪರಿಹಾರ ಕೊಡಿಸಲು ಕೋರಿ ಪ್ರಕರಣವನ್ನು ಸಲ್ಲಿಸಿದ್ದಾಗಿ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

(3) 1-2 ನೇ ಪ್ರತಿವಾದಿಗಳು ಸಲ್ಲಿಸಿರುವ ಪ್ರತಿವಾದ ಹೇಳಿಕೆಯಲ್ಲಿ ಅಪಘಾತ ಸಂಭವಿಸಿದ್ದು ಒಪ್ಪಿಕೊಂಡಿದ್ದು ಅಪಘಾತ ಸಂಭವಿಸಿದ್ದು ಹೇಗೆ ಎಂಬುದು ತಿಳಿದಿಲ್ಲವೆಂದು ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರು ಅಪಘಾತದಲ್ಲಿ ಗಾಯಗೊಂಡಿರುವುದು ಒಪ್ಪಿಕೊಂಡಿದ್ದು ಅರ್ಜಿದಾರರು ಗಾಯಗೊಂಡಿರುವುದು ಹೇಗೆ ಎಂಬುದು ತಿಳಿದಿಲ್ಲವೆಂದು ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

ಅರ್ಜಿದಾರರು ಅಪಘಾತದಲ್ಲಿ ಗಾಯಗೊಂಡಿರುವುದು ಒಪ್ಪಿಕೊಂಡಿದ್ದು ಅರ್ಜಿದಾರರು ಗಾಯಗೊಂಡಿರುವುದು ಹೇಗೆ ಎಂಬುದು ತಿಳಿದಿಲ್ಲವೆಂದು ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

14

(9)

P (13) [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(4) [illegible]
[illegible]
[illegible]

(5) [illegible]
[illegible]
[illegible]

(6) [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(7) [illegible]
[illegible]
[illegible]

(8) [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

15

(5)

GOVERNMENT OF MYSORE

Petition No. 1125 / 5th October 1896.

Petitioner. — A. Channaiah
Boranna of Dodda
Sarangi Hanchur
Taluk.

Subject. — This is an appeal against the order dated 27.7.96, No 190, of the Deputy Comm^r, Hunsur District, regarding the sale of a site in Doddakrangi village, claimed by the Petitioner.

1st Point No. 1

On 14.11.94 Puttanna Shanbhog of Hosahalli in the Sarangi Hobli, presented a Darkhast for a site included in the village-site of Dodda Sarangi and situated within the following limits:-

East — Village wall
West — Boranna's Kittalu
North — Lakshmi Narasi Siddaiya's land
South Village wall

of land 5 yards in breadth should be reserved along the village wall & hedge, that the remaining strip 2 yards broad will be of no use to any one and ~~that~~ consequently the same should not be put to auction". ~~And~~

A strip of 2 yards reserve having been considered sufficient for the village wall & hedge and the Darkhastdar having agreed to take up the remaining portion of the land, the same was, by the orders of the Amildar, sold by public auction on 7.8.95 and knocked down to one Siddaiyana Boramma for Rs 37/-

Varaze Patti 7.8.95
Ferist No 5.

In June 1895 Boramma petitioned the Amildar stating that the land in question formed a portion of his hittal, that he walled up that portion of the village wall passing by his hittal and threw the hedge at his own cost, that

[redacted] No 6 of

that this was intended for the safety of his kittal, that at the Jamabundi the Shanbhog & Patel colluded in cheating the Petr ~~into~~ by telling him that excluding a margin of 5 yards reserve for the village wall the remainder had been included in his holding, and prayed that the land may not be put up for sale. The Amildar forwarded this to the Sekdar for report.

In reply the Sekdar sent 2 darkhasts one ~~alleging~~ purporting to be from Petr Boranna ~~for the~~ * Ferist Nº. 10
and the other from one Gowda Siddappa, Nº 11
for the land in dispute together with the statements of Boranna, × Ferist Nº. 8
the Shanbhog & the Patel.
In his statement Boranna says that the darkhast was not presented by him but that some one ~~else~~ has presented it in his name with the view of depriving him of his kittal, that excepting a margin of 5 yds in the east the rest of the land belongs to him and that consequently the same should be restored to him.

Puttama prayed that the ~~land~~ site may be given to him at an infact price of 15 rupees.

The Amildar directed the Sedalar to see whether the villagers had any objection to the grant of the site and submit a ~~report~~ report together with a Statement in the matter.

The Sedalar reported that enquiry he learnt that the land lying within the above limits and measuring 7 x 35 yards was in the enjoyment of Boramma who held it possession by keeping the village wall & the protection fence in good order. ~~He~~ She also submitted a Statement to the following effect:—

"That the land applied for by Puttama and lying within the limits described above is in Boramma's possession from a very long time, that she has been enjoying it by keeping the village wall & hedge in good order at her own cost, that the right to that land vests in Boramma, that a strip of land

Ferist No. 2

Ferid's no 9.

The Shanbhog & the Patel state that the land claimed by the Peti formed a portion of the village wall & fence and that consequently it belongs to Govt.

Ferid's no 12

On 17.6.95 the Patil & Shanbhog reported that Boramma who first submitted a darkhast for the land in question now denies it, and prayed for an enquiry into the matter.

Ferid's no 3 & 5

On 8.7.95 Boramma petitioned the Amildar praying for an enquiry into the matter and he repeated a reminder on 12.8.95

On 6.10.95 the Amildar, having inspected the land in person, observed that though Boramma repaired the village wall in the proportion falling to his share, yet he cannot thereby gain any right to the land. and that the place was very dirty being overgrown by prickly pear.

village belonged to Gubbi Taluk,
he accordingly & the direction
of the then Amildar Saiyed
Ahemad Saib, repaired the
Police wall (village wall) &
fence passing by his kittal
at a cost of Rs 10, that since
then he has been using the
inner portion of enclosure as
his kittal stacking his ~~fodder~~
there, that he has no written
documents on the subject,
that he used to grow brinjals
on the spot, and that Siddappa,
Kempe Gowda & 4 others should
be examined on his side.

[redacted] list No. 27 & 21.12.95

Siddappa, son of Siddappa
deposed that he knew the land
applied for by Puttamma,
that it belongs to Boramma,
that it is in the latters enjoy
-ment from the time he was
able to observe it, that Boram
has been using it as his

hittal for stacking fodder,
heaping manure &c, that
from time immemorial
the land was his, that he
does not know how Borama
acquired it, that there
was a tamarind tree on the
land which was in Borama's
enjoyment, that just then
there was neither straw nor
manure on the land as it had been recently exhausted
he could not see brinjals
grown there.

Chamanna, Kempanna,
Kempe Gauda, Patta Honna &
Dodranna also deposed to the same
effect with very few alterations

Patel Chikka Gauda & Shanbhog Ramchandraiya who were also examined stated that from time immemorial the land in question was a part of the village ~~wall~~ waste that 4 years before half of this portion had been sold by public auction to one Chikka Honni Seddaiya

Jorist No. 29

On 13-9-95 Siddaiyana Boramma 20
the Counter-Petitioner petitioned
the Amildar praying for confirmation
of the sale. She sent a reminder
on 24-10-95

Ferial Nos. 36 & 37

The Amildar in submitting Ferial No. 37
the records to the Dy Comm^r for 8/14-11-95
confirmation of the sale reported
that on personal inspection
he found the place very dirty
being overgrown by the hedge,
that though Boramma repaired
the portion of the village
wall & fence in his
cannot thereby lay claim to
the land in question and that
consequently the sale may
be confirmed. ~~But the Dy~~

The Dy Comm^r sent back
the records to the Amildar
for recording Peti's evidence

Ferial 26 & 21-12-95

Boramma deposed before
the Amildar that the right to
the land in dispute ~~belong~~
vests in him, that when the
village

that four or five years ago
a neem tree standing on the
land which had been blown
down by the wind had been
sold by Govt in a public
auction & that consequently
the land belonged to Govt.
Venkanniya
Vadivamanga also deposed
to the same effect and
added that the neem tree
was purchased by Boraman
himself at a public sale
that the land to the west of
the land in dispute formed
Boramma's hittal.

In the records of the year Vijaya
1886, when a piece of land
adjoining the Petri boundary on
the west and forming the
northern part of the land
in question was sold by
public auction, ~~[illegible]~~ the former
is mentioned as lying
between

Vide sketch enclosed
Ferias No. 18.

between Baramma's cattle-shed
on the east, protection fence
(old cattle-shed) on the south,
Baramma's Kottige on the west,
and a street on the north.
In the Hara Sartiar the
boundaries are mentioned as
East — village wall
West — Baramma Kottige
North — village wall
South — Vacant site
This is confirmed in the Ferist No. 20
Inahazer 8.31.5.86
As seen in the village map
produced with the records the
land claimed by Baramma
forms one block with the
one sold in 1886.

In the year 1890, 2 trees,
alleged to have been standing
in the ~~forbidden~~ village fence,
which were blown down by Ferist No. 23 & 24.
the wind were sold by
public auction one of which,
a neem tree, was purchased
by Peter Baramma for 2Rs.
In his deposition Baramma
says that he put the wall in
the village fence the trees were standing.

25

Rly Selection 8 5.5.96
Feriat No. 32

Petitioner Boraima was
directed to produce any
documentary
evidence to show that the
land was his, stated, that
he had no documentary
evidence with him on the subject,
that the mean trees purchased
by him in 1890 was not
on the land in question
but that it was in the
village hedge about 3 yards
from the land claimed by
him & that there is no
connection between this
land and Chikka Honni
Siddaya's land which
belonged to Govt.

On 27.7.96 the Dy Comr
having ~~proceeded to the spot~~
ordered that Boraima
having failed to establish
his right to the land measuring
5 X 35 yards

27

The Dy Comr who was asked
in this office re. Pet 567 of 6/10/96,
to defer delivery of possession
to the purchaser pending the
disposal of this petition,
now reports, that the site was
put in possession of the
purchaser on the 14th Sept 96,
but that he has been directed
not to interfere with it
till the disposal of this
appeal.

Bbw.
13/4.

+marked in red ink in the
enclosed plan, the sale
for 3 yrs is confirmed."
Petitioner appeals against
this order. In his appeal
petition he urges
(1) that the Darkhast was
brought about by his enemies
the Bhandhag + the Patel Gida
intent to dispossess him of his
hakdari land.
(2) that the Inamdar Imam
up by the people clearly shows
that the land was in Pet's enjoy-
ment
(3) that through the Patel
Bhandhag colluded in
excluding the land from the
Pet's holding when the list
of vacant cits was prepared.
(4) that the Inamdar bears
the signature of the Patel who
has brought about this mischief
Petitioner prayed that early
+favourable orders may be passed
and that stay of execution
of the Dy Coms order may be
ordered pending the disposal
of this appeal.

28-10-96

(2)

The humble Petition of the above named Petitioner respectfully sheweth as follows:

That Williamina Barnes of Addison Terrace, Dundee, married on the 21st day of August 1894 in the Parish Church, Dundee, and lived with the Defender as husband and wife in the said Parish until the month of May 1896 when the Defender deserted the Petitioner without reasonable cause.

That the Defender is habitually addicted to drink and frequently when under the influence of drink has assaulted the Petitioner and threatened to do her bodily harm.

That the Petitioner has been obliged to support herself since the Defender deserted her.

That the Petitioner has no means of ascertaining the present address of the Defender but he is believed to be residing in Dundee.

That the Petitioner has no means of paying the fees of Court.

That the Petitioner has not been guilty of any collusion or connivance in the matter of this Petition.

That the Petitioner has not been guilty of any condonation of the Defender's adultery.

That the Petitioner has not been guilty of any adultery.

That the Petitioner has not been guilty of any desertion of the Defender.

That the Petitioner has not been guilty of any cruelty towards the Defender.

That the Petitioner has not been guilty of any unreasonable delay in bringing this Petition.

That the Petitioner has not been guilty of any other matrimonial offence.

That the Petitioner has not been guilty of any other matrimonial offence.

That the Petitioner has not been guilty of any other matrimonial offence

29

(3)

169

REVENUE DEPARTMENT

Cl. 10 4032

Ref 350

Correspondence

From The Superintendent of Customs

To The Secretary to the Treasury Register General and Secretary of Revenue

Dated 1st December 1896

Despatched 15th —do—

Received

General No. 564

No.

Enclosure No. 4 in letter from the Superintendent of Customs dated the 6th December 1896

on

Reporting on the petition of Christiana Larsen for Relief from Duty paid on Cigars imported in the Steamer Suva.

Petition &c.

16/11/96

Petition of Christiana Larsen dated 16th November 1896 to Superintendent of Customs Auckland

Forwarded by Superintendent of Customs Auckland 27th October 1896

Sent

Enclosure referred to with letter 1869 of 96-27 were sent to 2nd Comptroller on 27.10.96.

24/11

Sent to 2nd Comptroller for Continuation

Received 30th Nov 4/11/97

Returned with reference

Received 20th 18/1/97

The exchange & Bank Note Branch state there is still a great confusion regarding Australian Silver

Noted & letter written

Return Memorial and enclosures

7/12/97

Q 9-2-97

Brought up for posting 11/2/97

1 Prepare a precept for Sovereign case record

2 Return to the 15th April

Filed 17/12

No 564 Deputy Commissioner's office 31
Tumkur District
Received and Dated Tumkur, 14th December 1896.

To The Secretary to the Government of Mysore, General and Revenue Departments.

Sir,

I have the honor to acknowledge receipt of your official Memo No. 6867 dated the 6th October last, forwarding for report and submission of records, petition from Anthonimma Swamy of Doddur Karuppe in the Tumkur Taluk, appealing against my order conferring the sale of a certain building site said to have been in his enjoyment, and submit herewith a sketch of the ground and surrounding as called for in the above.

2. The facts of the case are as follows. Arabogue Pattama submitted to the Shirdar of Tumkur on the 14th November 1894 an application for the grant of the building site claimed by the Petitioner. This was forwarded to the Shirdar for report. The Shirdar submitted his report with a Muzzazer drawn up by the villagers, in which they stated that as the site applied for measuring 1250 yards was bounded on the East and

south by the village wall and hedge a strip of 5 yards in breadth should be reserved and that the remaining extent of 2 × 35 yards was insufficient for building purposes. Upon this it was considered sufficient to reserve only a strip of 2 yards and the Collector decided to sell the remainder for building purposes. A sale was accordingly held on the 7th August 1895 when the site (5 × 35 yards) was knocked down to me Sidhivinayaka Sarma for Rupees 57. When the record came up before me, I found that the Petitioner had not been given a chance of establishing his claim to the site and accordingly directed the Collector to record any evidence that he might be advised by him. Petitioner was not able to produce satisfactory evidence of his claim. I therefore held that the site in question was Government property and confirmed the sale. Against this he has preferred this appeal.

2. The site in question was put in possession of the auction purchaser on the 14th August 1895, but he has

been directed not to interfere with it
till the disposal of the present appeal.

4. Petition and its enclosures and the record of the Case are herewith sub-
-mitted.

I have the honor to be
Sir
your most obedient Servant

Mr Narain Rao

Deputy Commissioner
Dumka District

Proceedings of the Govt of Mysore.

Read:-

(1) Petition No 125 dt 1-2-96

from Nallamanna Boramma of Doddabidarakallu, Kunigal Taluk, appealing against the order of the Dy Commr of Tumkur refusing to recognise the petr's right to certain vacant site in the above village and confirming the sale to one Siddamma Boramma.

(2) Letter No 534 S.A. 1-2-96 from the Dy Commr, Tumkur district, reporting on the above and the records received therewith from which the facts are as follow:-

On the application of one Puttamma to the Amildar of Kunigal for a vacant building site in the above village, adjoining Petitioner's house, the same was advertised for sale. Petitioner objected to the sale on the ground that the land formed a portion of his backyard. But the Amildar disregarding his

12-2-96
Gk

purchase-money refunded 36
to the purchaser.

C2 & C3

For Secretary

Draft

6/7/97

Blue.
6/7/97.

To

The Deputy Commissioner
[illegible]
8-7-97

Parker
Shue
6/7/97

that there is clear and reliable evidence to prove that the site in question belongs to you. On the contrary there is a mass of oral testimony and a Manager to show that the Petitioner was long enjoying it. It is impossible to produce documentary evidence to prove such ownership. Long possession should be respected. The boundary specified in the record of 1886 when the northern plot was sold are not inconsistent with the rights now set up by the Petitioner. It is not improbable that the mere tree was in the village-fence. Under all the circumstances of the case the Petitioner seems entitled to retain the land in dispute in his possession. The sale of it will be set aside and the

first ordered the sale to be held. The sale was accordingly held on 7th August 1895 in which the land was knocked down to one Sitalingma Bowma for Rs 3-4. When the records were submitted to the Dy Comm[r] for confirmation of the sale the latter observing that the Petitioner's evidence had not been recorded sent back the records to the Asst Collr for recording his evidence - In the enquiry which followed 6 witnesses deposed on solemn affirmation that the site in question belonged to Peter Bowma and it had been in his possession from a very long time. Against this only 3 witnesses viz 2 Bhuddigo & a Sitti maintained that the site belonged to Govt and not to Bowma. Subsequently Peter Bowma was directed to produce any documentary evidence to show that the site was his. But he did not produce any. The Dy Comm[r] confirmed the sale. Petitioner has appealed to Govt against this order.

Order No 184. dt 6.7.97
F.12

The record does not show

(1) on the ground that the plaintiff purchased in public sale a certain piece of land belonging to Peter Bowma in question

That the plaintiff was entitled to the land

(1) That the plaintiff was entitled to the land

(2) a Decree dated 14th August 1896 & the Certificate of Sale dated 7th August 1897 declared to them & that the piece of land belonging to Peter Bowma in question

No connection between the Land Sale & the Village Register

(1) Land Revenue Records

(2) a Decree dated 14th August 1896 & a Certificate of Sale dated 7-8-97

128

37

8-7-97

1125-

3

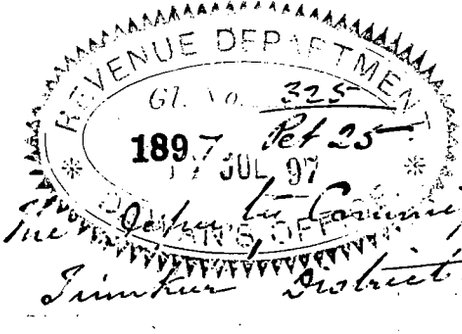
Draft

Bleu.

By order

for Secretary

39



From The Deputy Commissioner
Jaintiur District.

To The Secretary to the Govt
of Assam. Gel and Rev:
Dept.

Dated 9th July 1897.

Despatched

Received

General No.

No. 37

Enclosure No.

Govt Nos: No 184 of 6th instant.
F 12

Requesting to be informed whether Petitioner Ak Kannana Boruma of Dodoladuarangi, Jaintia Sabuk is to be allowed to retain possession of the site on payment of a price therefor or free of charge.

Petition
12/7/97
Rephetsh
13/7/97.

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submitted with reference to the Revenue 2nd and the 3rd Councillor's orders on appeal No. 77 of 96-97 to the effect "under all the circumstances of the case the petitioners entitled to retain the land in dispute in his possession, the sale of it cancelled will be set aside and the purchase money refunded to the purchaser".

The question solicited for orders of the site is to be given free of charge or for price to the petr.

Ak 7-96
SL 6

IL 1077/97

It is not clear how any objection can be levied, since Govt has decided that the site in question belongs to petr. Appellant Sec 136 of the Rev Code confirms the "existing right of occupancy of all land within the hills" of Khasis excepting the encroachments as provided in Sec 37 of the Regn II of 1869 which is admittedly the right which was recognised by Govt This right of occupancy is not liable to be disposed of by the D.C. under Sec 135

= The question of keeping Kandyphan on the site of encroachment upon it on different grounds will be decided by the Commissioner

WM 17/7/97

41

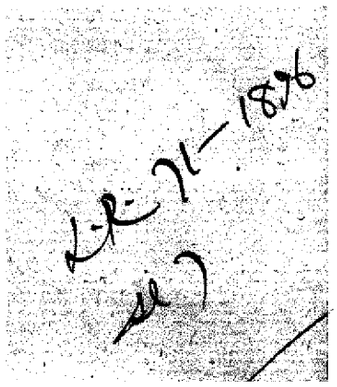
Book A
1897

From

The ~~Secretary to Govt~~ ~~Deputy Commissioner~~
Secretary to Govt
Revenue and Agl Depts

To

The Deputy Commissioner
Trichinopoly District



Dated 24th July 1897

Despatched

Received 26/7/97

General No. 1097.
P. No. 131

Enclosure No.

The Deputy Commissioner's letter No. 37 dated 9th July 1897 soliciting orders as to whether the site referred to therein may be given to the pattamakkaran Boreanna of Doddasarangi Trichinopoly Taluk on payment of price therefor, or free of charge.

With reference to the above, I have the honor to state that the site in question has been declared to be ~~the~~ Government property in Govt Pro: No 154 P.12 dated 6-7-97 and that no price need be levied.

By order

for Secretary

24/7/97

No 37 Deputy Commissioner's Office
Tumkur District.
Dated, Tumkur 2nd July 1897

To
The Secretary to the Government
of Mysore, General and Revenue
Departments.

Sir,

Referring to Proceedings No. 184 dated 6th December, 1896 P12 regarding the appeal of P. Thimanna Bhatta of Dodda Sampige, Tumkur Taluk, regarding a site in that village, I have the honor to request the favor of being informed whether the Petitioner is to be allowed to retain possession of the site in question on payment of a price therefor or free of charge.

I have the honor to be
Sir
Your most obedient Servant
M Narasimha Rao
Deputy Commissioner
EV

42

General Serial No. 30

5391

1897 W

Transferred to the Rev Branch

2/2/98

From The Deputy Commissioner Tumkur District.

To The Secretary to the Government of Mysore Revenue Department.

Dated 31st January 1898

Despatched 31st January 1898

Received

Enclosures No. 15 Office

General No. 722.

No.

Govt Circular No. 5 dated 6.12 1897 & Govt Circular No. 7 dated 3rd June 1897 forwarding copies of Petitions & Counter petitions in the Tumkur Taluk

Petitions 14

28/1/98

31/1

AK 31/1/98.

Report up

Rob

2/2/98 MG

Central Jail Press, Bangalore.—6-3-97.—10,002.

43

No 722

Rec: 3rd Jan: file

Deputy Commissioner's Office

Jaffna District.

Jaffna 6th January 1878.

To.

The Secretary to the Government
of Ceylon, General and Revenue
Departments.

Sir,

Referring to Government Proceedings
No: 184 / p 12 dated the 6th July 1877 cancelling the
sale of a building site in the village of Dodda
Sarangi in the Jaffna Taluk, and directing
the refund of the purchase money to the
purchaser, I have the honor to submit
herewith a refund bill for Rupees 37 in
favour of Sidhiyara Bowana the auction
purchaser and to request that the same may
be sanctioned and forwarded to the Comptroller
for payment. Vernacular records
accompany.

I have the honor to be
Sir,
your most obedient Servant

A Arthanayagam
for Deputy Commissioner

44

Pro: of the Govt. Agency

Draft Proceedings

Read:

Letter No: 722 dated 6th Jan: 1898 from the Dy: Comm: Zanzibar district, submitting for sanction a refund bill for Rs 37/- on behalf of one Kesrang son of Nowrang of Dhrasrang Zanzibar, being the amount of purchase money for a certain building site in the said village which was cancelled in Govt. Proc: No: 184 P. 12 dated 6th July 1897.

L.R. 91-96 sc 9

No 7772-3 6/2/98 Order Nisi:

7/9 739 to VP 44

The refund bill for Rs 37-- is sanctioned and forwarded to the Comptroller for audit.

6/2/98

14/2/98 14/2/98 Secy.

The Dy: Comm: Zanzibar with Vouchers

to Comptroller with the bill.

SDB